

REMARKS

In the Office Action mailed on November 07, 2007, the Office took the following action: (1) rejected claims 1-3, 7-11, 14-15, 26, 32, and 34 under 35 U.S.C. §102(b) as being anticipated by Astle et al., U.S. Patent Pub. No. 2001/0046372 (hereinafter “Astle”); (2) rejected claims 2, 28, 33, 35, and 37-45 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Hunter et al., U.S. Patent Pub. No. 2002/0056118 (hereinafter “Hunter”); (3) rejected claims 4, 13, and 27 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Burns et al., U.S. Patent Pub. No. 2001/0014103 (hereinafter “Burns”); (4) rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Gile et al., U.S. Patent Pub. No. 2002/0035610 (hereinafter “Gile”); (5) rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Gile and further in view of Walsh et al., U.S. Patent Pub. No. 2006/0031557 (hereinafter “Walsh”); (6) rejected claims 12, 16-19, 22-25, and 29-31 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Pirhonen et al., U.S. Patent Pub. No. 2004/0028062 (hereinafter “Pirhonen”); (7) rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Pirhonen and Gile; (8) rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Pirhonen and Gile and Walsh; and (9) rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of Hunter and Gile. Applicant respectfully traverses and further requests reconsideration and withdrawal of the rejections in light of the foregoing amendments and following remarks.

Rejections under 35 U.S.C. §102(b)

The Office rejected claims 1-3, 7-11, 14-15, 26, 32, and 34 under 35 U.S.C. §102(b) as being anticipated by Astle. Applicant respectfully traverses.

Claim 1

Claim 1, as amended, recites:

A computer-implemented method comprising:
receiving information from a user about a broadcast multimedia content stream generated by a content server in a computer network, wherein the received information includes:
a specified time frame associated with the multimedia content stream; and
a designated uniform resource locator (URL) of the content server;
scheduling a recording of the multimedia content stream at the designated URL at the specified time;
receiving the multimedia content stream from the content server at the designated URL; and
saving the multimedia content stream in a system memory during the specified time frame.

Applicant has amended claim 1 to include recitations similar to recitations formerly presented in dependent claim 4. More specifically, Applicant has amended claim 1 to recite “a designated uniform resource locator (URL) of the content server.” The Office relies on Astle in the rejection of claim 1 under §102(b). According to the MPEP §2131, to anticipate a claim, the reference must teach every element of the claim. In addition, under the §103(a) rejections, the Office relies on Astle in view of Burns as teaching the limitations of formerly presented claim 4. Applicant respectfully submits that (i) Astle does not teach “a

designated URL of the content server,” and (ii) the combination of Astle and Burns as teaching all the recitations of claim 1 is improper.

i) Astle does not teach all recitations of Claim 1

Turning to the Final Office Action, the Office acknowledges in the rejection that “Astle does not specifically disclose the network address in a uniform resource locator (URL).” (Final Office Action, page 5, lines 12-13). Thus, Applicant respectfully submits that Astle fails to disclose “every element of the claim” as required under the §102(b) rejection.

However, the Office states “Burns discloses using a URL as a web address [Burns, paragraph 44].” (*Id.* at 13-14). The relied upon portion of Burns is recited below for convenience:

[0044] When the request handler 111 receives a request, the local service provider 110 first looks to its own cache memory 124 to determine if a proxy copy of the target resource *referenced by the URL* is stored locally. The cache memory 124 serves as a quasi-temporary local storage for holding proxy copies of often used and requested target resources. The cache memory 124 can be implemented using different types of memory, including RAM, storage disks (optical, magnetic, etc.), the URLs. Administrative tools 120 permit the operator to configure various operating parameters.

(Burns, page 5, paragraph 0044, emphasis added). Burns generally pertains to “schemat[ing] delivery of frequently requested content from the content provider prior to a peak time when subscribers are likely to request the content.” (Burns, Abstract).

ii) The combination of Astle and Burns is improper

The Office provides the following statement in support of the combination of Burns with Astle: “It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a URL as a web address in order to provide a human readable address to the user.” (*Id.* at 14-16). Applicant respectfully submits that the statement of support proposed by the Office is misguided by assuming the URL is used to provide a human readable address to the user. Instead, as recited in claim 1, the URL is “received information” which is “from a user about a broadcast multimedia content stream generated by a content server.”

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. (*See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986)).

Applicant submits that Astle and Burns, either singly or in combination, assuming *arguendo* that such combination is proper, fail to teach “receiving information from a user about a broadcast multimedia content stream generated by a content server in a computer network, wherein the received information includes . . . a designated uniform resource locator (URL) of the content server.”

Applicant is believed to have successfully argued that Burns does not disclose “receiving information from a user,” based on the arguments presented in the last response to Office Action transmitted on August 28, 2007. The relevant portion of those remarks is reproduced below:

The Office cites Burns as disclosing “using the patterns identified by the pattern recognizer 116, the scheduler 118 schedules delivery of the content at a selected time prior to the peak time.” (Burns, page 5, paragraph 0047, lines 1-3). As disclosed in Burns, the scheduler does not include “receiving information from a user” as recited in claim 1.

(Response to Office Action transmitted on August 28, 2007, page 15, lines 19-24). The currently relied upon portion of Burns, paragraph 0044, fails to cure this deficiency. Instead, it discloses, “the local service provider 110 first looks to its own cache memory 124 to determine if a proxy copy of the target resource *referenced by the URL* is stored locally.” In addition, Astle fails to teach receiving “a designated uniform resource locator (URL) of the content server.” Therefore, when the first clause of claim 1 is read as a whole, neither Astle nor Burns teach the recited elements of “*receiving information from a user* about a broadcast multimedia content stream generated by a content server in a computer network, wherein the received information includes . . . *a designated uniform resource locator (URL) of the content server.*”

The combination of Astle and Burns is also improper for at least one additional reason. Astle generally pertains to a “television broadcasting service in response to recording information entered by a user at a website of the broadcaster.” (Astle, Abstract). The concept of logging into the broadcaster’s website (which hosts the content) teaches away from the recitations in Applicant’s

claim 1 because logging into the broadcaster's website has the broadcaster hosting all of the content (i.e., centralized distribution). In contrast, streamed content is not centralized. In fact, content available for streaming is available in many locations (URLs) across the Internet. Therefore, the concept of the compiled broadcaster's website teaches away from claim 1, which receives a "URL of the content server," thus expanding the accessible content to "a broadcast multimedia content stream generated by a content server in a computer network."

Claims 2-15 depend from claim 1, and thus are believed allowable at least for their dependency on the allowable base claim 1. Further, the additional limitations in these dependant claims provide limitations which are not taught by the cited references. Although all dependant claims may recite limitations not disclosed by the cited references, only dependant claim 3 is discussed below for sake of brevity.

Claim 3, as amended, recites: "wherein the DRM system is configured to restrict access to the recording to a predetermined device associated with the user." The Office relies on Hunter at paragraphs 193 and 194 as teaching DRM. However, Hunter fails to teach "restrict access to the recording to a predetermine device associated with the user." In addition, the other relied upon portions of the cited references fail to teach this recitation. The amendments to claim 3 are supported by the specification by at least page 7, lines 16-20. No new matter has been added.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 1-15.

Claim 26

Claim 26 recites in part: “means for receiving information from a user about a multimedia content stream provided by a device coupled to a computer network, the multimedia content stream having an associated uniform resource locator (URL), wherein the received information includes a specified time associated with the multimedia content stream.” Applicant relies on at least similar reasoning as presented above in support of claim 1, as applied to claim 26. Claims 27-28 depend from claim 26, and thus are believed allowable at least for their dependency on the allowable base claim 26. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 26-28.

Claim 32

Claim 32 recites in part: “determine information about a multimedia content stream provided at a content server coupled to a computer network, wherein the determined information includes a specified time frame and uniform resource locator (URL) associated with the multimedia content stream, wherein the URL is obtained from a user through a user interface.” Applicant relies on at least similar reasoning as presented above in support of claim 1, as applied to claim 32. Claims 33-34 depend from claim 32, and thus are believed allowable at least for their dependency on the allowable base claim 32. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 32-34.

Rejections under §103(a)

The Office rejected claims 1-3, 7-11, 14-15, 26, 32, and 34 4-6, 12-13, 16-25, 27-31, 33, and 35-45 under 35 U.S.C. §103(a) as being unpatentable over Astle in view of various combinations of cited references, including Hunter, Burns, Gile, Walsh, and/or Pirhonen. Applicant respectfully traverses.

Claim 16

Claim 16, as amended, recites in part: “enabling a user to schedule a recording of a broadcast multimedia content stream at a specified time frame and at a designated uniform resource locator (URL)” Applicant relies on at least similar reasoning as presented above in support of claim 1, as applied to claim 16. Claims 17-25 depend from claim 16, and thus are believed allowable at least for their dependency on the allowable base claim 16. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 16-25.

Claim 29

Claim 29 recites in part: “means for implementing a digital rights management (DRM) system, the DRM configured to restrict access to the recording to a predetermined device associated with the user” Applicant relies on at least similar reasoning as presented above in support of claim 3, as applied to claim 29. More specifically, Applicant submits that Hunter fails to teach “restrict access to the recording to a predetermine device associated with the user.” In addition, at least the relied upon portions of the remaining cited references fail to

teach “restrict access to the recording to a predetermine device associated with the user.”

Claims 30-31 depend from claim 29, and thus are believed allowable at least for their dependency on the allowable base claim 29. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 29-31.

Claim 35

Claim 35 recites in part: “*a connection manager configured to receive a network location of the multimedia content stream, and establish a connection between the schedule recording service and the multimedia content using the network interface.*” Applicant respectfully submits that Astle and Hunter, either singly or in combination, assuming *arguendo* that such combination is proper, fail to teach each recitation in claim 35, as is required by MPEP 2143 to establish a *prima facie* case of obviousness. As discussed above with reference to claim 1, Astle generally pertains to a centralized distribution broadcast website. As such, Astle does not disclose “a connection manager to receive a network location of the multimedia content stream,” as recited by claim 35. In addition, Hunter (or any of the other cited references for that matter) fails to teach “a connection manager to receive a network location of the multimedia content stream. The amendments to claim 35 are supported in the specification by at least page 7, lines 1-7. No new matter has been added.

Claims 36-45 depend from claim 35, and thus are believed allowable at least for their dependency on the allowable base claim 35. Therefore, Applicant

respectfully requests reconsideration and withdrawal of the rejection to claims 35-45.

Conclusion

Claims 1-45 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned.

Respectfully Submitted,

Date: 2008-02-22

By: 

David S. Lee
Reg. No. 38,222
Damon J. Kruger
Lee & Hayes, PLLC
Reg. No. 60,400
(206) 315-7918